

REMARKS

Claims 1-2 and 4-5 are pending in the application. Claim 1 has been amended, claims 2 and 5 have been canceled, and claims 6-7 have been added, leaving claims 1, 4, and 6-7 for consideration upon entry of the present amendment. Applicant requests reconsideration in view of the amendment and remarks submitted herewith.

Claims 1-2 and 4-5 stand rejected under U.S.C. § 103(a) as being unpatentable over Wijenberg (US 6,259,205) in view of Pollard (US 3,916,241). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Claim 1 and 4 includes the following element: "a pair of sealing spacers, each sealing spacer has only one body in which said body has an outer radius approximately equal to or slightly smaller than the inner radius of said housing and onto which respective electrode axis of each discharge electrode is fixed, the fixing position of said sealing spacer within said housing being adjustable along the axial direction of said housing." Wijenberg and Pollard do not teach or suggest this limitation.

The Examiner asserts that Wijenberg teaches the sealing spacers. In order to meet the limitation in the claims, the Examiner asserts that the sealing spacers in Wijenberg are met by limitations 32a, 34, 10 for one sealing spacer and 32b, 35, and 10 for the other sealing spacer. The claim requires that there are a pair of sealing spacers and the each sealing spacer has only one body. Such structure provides for an illuminant having a simple, easily mass-produced structure and high durability, as set forth on page 19, lines 13-16 of the specification. Thus, because each sealing spacer in Wijenberg is comprised of three pieces (or bodies), Wijenberg does not teach or suggest the claimed elements. Moreover, Pollard does not remedy the deficiency of Wijenberg. Thus, neither Wijenberg nor Pollard teach or suggest all of the limitations of the claims.

Accordingly, for at least the foregoing reason, Applicant respectfully requests that the rejection as to claims 1 and 4 be withdrawn.

In addition, claims 6 and 7 are patentable for the same reasons, as those claims include all of the limitations of claim 1.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be

allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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